



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR ROADS AND PARKING
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Mr Tom Duncan
Clerk
Legislative Assembly for the Australian Capital Territory
London Circuit
CANBERRA ACT 2601

Dear Mr Duncan

Thank you for your letter of 2 June 2015 about petition No. 7-15 lodged by Mr Coe, MLA on behalf of 192 Australian Capital Territory residents.

I understand the petition brings to the attention of the Assembly that Giralang has been without local shops for a decade, and that the petitioners request the Assembly to express their support for the completion, as soon as possible, of the full approved development of the shops currently under construction. Further, they call upon the Assembly to enact legislation, to limit further legal appeal by those opposing the development.

The redevelopment of Giralang shops is currently subject to judicial review in the ACT Court of Appeal.

This matter has been the subject of an ongoing and drawn out appeal involving the ACT Supreme Court, the ACT Court of Appeal and the High Court since its approval in 2011.

On 10 December 2014, the High Court ordered that the matter be remitted to the ACT Court of Appeal for further hearing on limited grounds.

Written submissions have been made and the matter was heard in the ACT Court of Appeal on 30 July 2015.

A decision of the Court is reserved at this time.

ACT LEGISLATIVE ASSEMBLY

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During the course of these proceedings, the ACT Government has made all possible efforts to emphasise the significant delays caused by the legal action, and the resultant impacts on the Giralang community.

It is open to the Assembly to “express their support for the completion, without further delay, of the full approved development of the shops currently under construction” as suggested in the petition. The timing however is subject to the decision of the Court of Appeal which is currently under consideration.

Limitations on third party appeal rights are already in place in the ACT, and would not have prevented a judicial review appeal of this matter in the ACT Supreme Court, the ACT Court of Appeal, or the High Court. Judicial review of matters before the High Court is simply beyond the statutory jurisdiction of the Assembly.

I appreciate and welcome Mr Coe’s openness to resolve this matter by other legislative means. I will consider other available legislative avenues should this matter not be resolved through the upcoming decision of the Court of Appeal.

Yours sincerely



Mick Gentleman MLA
Minister for Planning
10 August 2015